

Agents must make health care decisions:

- After consultation with your attending physician and according to the agent's knowledge of your wishes, to include your religious and moral beliefs.
- If your agent does not know your wishes, health care decisions *must* be made in accordance with what the agent believes is in your best interests.

Your agent may consent, refuse to consent, or withdraw consent of medical treatment and make decisions about withdrawing or withholding life sustaining treatment. However, your agent *may not* consent to voluntary inpatient mental health services, convulsive treatment, psychosurgery, abortion, or neglect through omission of care intended to provide comfort.

Your physician *must* comply with your agent's instructions or allow you to be transferred to another physician.

Legal Aspects of Advance Directives

Neither the *Directive to Physicians* nor the *Durable Power of Attorney for Health Care* needs to be notarized in order to be a legally valid expression of your desires.

Neither this hospital nor your physician may require you to execute a *Directive to Physicians* under the *Texas Natural Death Act* or a *Durable Power of Attorney for Health Care* as a condition for admittance or receiving treatment in this or any other hospital.

The fact that you have executed a *Directive to Physicians* or a *Durable Power of Attorney for Health Care* does not change any provision in any insurance policy that you may have.

Communicate Your Health Care Choices

If you decide to execute an *Advance Medical Directive*:

- Keep your original at home.
- Provide copies of your directives to any family member or agent who may be called upon to act for you.
- Ensure a copy is placed in your *Outpatient Medical Record*.
- Bring a copy to the hospital every time you are admitted.
- Inform the admitting clerk, ward nurse and physician that you have these documents.

Hospital Policies for Implementing Patient's Rights

Formal policies have been adopted to ensure that your right to make medical treatment decisions will be honored to the extent permitted by law.

This hospital has adopted policies relating to informed consent, implementation of *Directives to Physicians* under the *Texas Natural Death Act* and implementation of treatment decisions made by your agent appointed under a *Durable Power of Attorney for Health Care*.

For more information about any of these policies, contact a member of your health care team, or local legal office.



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FH MDA HO 199 (Revised)
1 January 2003

Advance Medical Directives

***Directives to Physicians/Living
Will Durable Power of Attorney
for Health Care***

Introduction

When you or your loved one needs medical care, you want the most appropriate and best care available. To achieve this, certain decisions may need to be made involving the kind of care given. As a patient in a Texas hospital, you have certain legal rights concerning your medical treatment.

This brochure is designed to help you understand those rights. After reading this brochure, if you have questions, need further information or wish to execute an advance directive, please contact your physician or nurse.

Informed Consent

Every adult of sound mind has the right to decide what may be done to his or her body in the course of medical treatment. As a patient, you have the right to be told about the nature of your condition, the general nature of the proposed treatment, and alternative procedures that are available.

This information helps you make an informed and rational decision, either accepting or declining a proposed course of treatment. Your physician will discuss with you the risks associated with medical procedures identified under state laws.

Texas law allows you to make an *advance directive* concerning your medical care. That is, you may make your wish concerning medical treatment known *before* you actually need such care. The *Texas Natural Death Act* authorizes you to create a *Directive to Physicians*.

Directive to Physician/Living Will Written Directives

You may sign a *Directive to Physicians* concerning your care if:

- You are at least 18 years old,
- Of sound mind, and
- Acting on your own free will in the presence of two qualified witnesses.

The directive, also referred to as a *living will*, instructs your physician *not* to use artificial methods to prolong the process of dying if you are terminally ill.

The directive *does not* become effective until you are diagnosed and certified in writing to have a terminal condition. The directive must be signed by two physicians who have examined you, one of whom is your attending physician.

If you sign a directive, talk it over with your physician and ensure that it is included in your medical record.

Oral Directives

You may make an oral directive if you are diagnosed with a terminal condition and are unable to sign a written directive.

Directive by Guardian or Family Member

Should you become comatose or otherwise unable to communicate after being diagnosed with a terminal condition, and if you have not issued a written directive, your attending physician and legal guardian, or certain family members in the absence of a legal guardian, can make decisions concerning withholding or withdrawing life-sustaining treatment.

Durable Power of Attorney for Health Care General Information

The other type of advance directive is known as a *Durable Power of Attorney for Health Care*. This document, signed by a competent adult, designates someone you trust as an agent to make health care decisions on your behalf should you become unable to make such decisions.

Agents

Anyone can be your agent other than:

- Your health care provider, including a physician, hospital or nursing home.
- An employee of your health care provider, unless that person is a relative.
- Your residential care provider (nursing home, hospice, or other licensed residential care home).
- An employee of your residential care provider, unless that person is related to you.

Authority of Agent

An agent has authority to make health care decisions on your behalf *only* when your attending physician certifies in writing, based on your physician's reasonable medical judgement, that you lack the capacity to make health care decisions. This certification must be filed in your medical record.

Your agent *cannot* make a health care decision if you object regardless of whether you have the capacity to make the health care decision yourself, or whether a *Durable Power of Attorney for Health Care* is in effect. An agent who has your *Durable Power of Attorney for Health Care* has certain duties.

